

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2003-422

July 3, 2003

Appeal of Consumer Assistance Division  
Decision #2003-15088 Regarding  
Central Maine Power Company

ORDER

WELCH, Chairman; DIAMOND & REISHUS, Commissioners

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**I. SUMMARY**

In this Order, we uphold the decision of the Consumer Assistance Division (CAD) concerning a billing dispute between Central Maine Power Company (CMP) and its customer Hazel Howe.

**II. BACKGROUND**

Mrs. Howe complained to CAD on May 14, 2003 about a dispute she has had with CMP over a number of years concerning the accuracy of CMP's meter reading at a camp she owns in Harmony, Maine. She claims that the meter is accurate but that CMP is incorrectly reading the meter. CMP's records show that during the last 13 months (May 2002 – May 2003), it read her meter nine times, and estimated the reading three times. When it estimates usage, it estimates zero usage. CMP has offered to test the meter, but Mrs. Howe refused. Mrs. Howe's usage at the camp is very low as she has few electrical appliances and stays there infrequently. Her bills in the last thirteen months ranged from \$7.24 to \$19.14 per month.

On June 3, 2003, CAD issued its decision finding that CMP had accurately billed Mrs. Howe. CAD further explained that CMP's monthly minimum charge for transmission and distribution (T&D) services is currently \$7.24 for the first 100 kWh and 7.24¢ for every kWh used thereafter. The supply or generation portion of the bill is currently 4.95¢ per kWh used. In months in which Mrs. Howe has no usage or CMP estimates zero usage, she is billed \$7.24. In months where there is actual usage, the charge is \$7.24 plus 4.95¢ for each kWh for supply and an additional 7.24¢ for each kWh used over the initial 100 kWhs.

Mrs. Howe appealed CAD's decision on June 9, 2003. She continues to dispute that CMP is accurately reading her meter. She states that there was usage in some months where CMP claims to have read her meter and recorded zero usage. In particular she claims that the meter is accurate but CMP's readings are not. She notes that when she pays three months actual usage in one bill, she has already paid for 200 kWhs in previous months and she should not have to pay for this twice.

### III. DECISION

We agree with CAD's determination that the CMP billings are accurate. What may be unclear to Mrs. Howe is that she must pay \$7.24 every month regardless of usage. Mrs. Howe is at no disadvantage when CMP estimates her usage at zero. In fact, if there is usage in that month, it delays payment for that usage until the next time the meter is read. If there is no usage, then the estimated usage of 0 results in the correct charge that month of \$7.24.

The only time Mrs. Howe may be disadvantaged by an estimated read is in a situation in which she has usage in two consecutive months and the first month is estimated and the following month there is an actual read that is in excess of 100 kWhs. In such a situation it will be unknown how much usage occurred in each month. This could affect whether she incurs T&D charges for usage over 100 kWhs. For example, if she used 99 kWhs during month 1 and 50 in month 2, and the meter is read each month, the T&D charge would be \$7.24 for each month. If there is an estimated read in month 1 and an actual read in month 2, the charge will be \$7.24 in month 1 and \$10.79 in month 2. A review of Mrs. Howe's records over the past two years shows only one bill in which this may have occurred (December 2000 was estimated and January 2001 shows usage of 161). CMP has typically estimated bills in the winter months when access to the camp may be difficult. We do not believe estimating in this situation is unreasonable (particularly when there typically is no usage in winter months) nor does it violate Commission rules for CMP to issue estimated bills when access is limited.

With regard to Mrs. Howe's concern that usage is occurring in some months but CMP reads the meter at zero, there is no evidence that CMP is reading the meter incorrectly or not reading it at all. We recommend that Mrs. Howe request a meter test at a time when she can be present during the test to ensure that the meter is operating properly.

Having reviewed the complaint and CMP's billing practices, we find no error in CMP's meter readings and billing and therefore uphold CAD's decision.

Dated at Augusta, Maine, this 3<sup>rd</sup> day of July, 2003.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
    Diamond

COMMISSIONERS ABSENT:            Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.